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public Catholic worship and religious instruction, open to the whole population of the place and vicinity, which population consisted of the 300 or 500 Klikatat Indians, in whose country the Church edifice was situated, of the Indians who in large numbers were in the habit of visiting the place several times a year for trading and religious purposes, and of the few whites who were attached to the company's trading post.

The Church edifice had been dedicated and consecrated to divine worship two years previous under the name of St. James, and had been constantly and exclusively used for that purpose until August, 1848, and from that date until the present day it has never been turned to any other purpose.

Public religious service was performed in the Church regularly every Sunday, and religious instruction given every Sunday and frequently on week days to large numbers of Indians, who almost exclusively composed the population of the place. The priests in charge of the Station used to visit them in their lodges, to administer to them the rites of the Church, to teach them in their native tongue and the "jargon" of the country, to unite them in marriage, to baptize large numbers of adults and children, to console them in sickness and to give them christian burial. The few whites attached to the service of the Hudson's Bay Company were not excluded from the same privileges, which were extended *indiscriminately* to all.

The same Missionary labors had been carried on at Vancouver, from the 24th of November, 1838, to the 14th of August, 1848, without any interruption. Before the dedication of the Church edifice in May, 1846, they were performed in an old store house inside of the fort, furnished by the Hudson's Bay Company for that purpose, and in an old house outside of the fort purchased by the head of the Oregon Mission for the same purpose, and also in the Indian camps. These labors had been even more extensive in the former years, as the number of Indians was much larger.

Every circumstance shows that from the first establishment of the Oregon Mission in 1838 up to 1848, and from 1848 to the present time, it has been the uninterrupted intention and will of its head to have a permanent Station at Vancouver. When that Vancouver Station was commenced, it was commenced with the positive intention that it should be continued indefinitely

The Church edifice and the ground which it occupies, were a free gift of the Hudson's Bay Company or of its Chief Factor to the Church.

The priest in charge belonged to the Oregon Catholic Mission. He depended on that Mission exclusively, and was independent of the Hudson's Bay Company, as well as of any other individual. The head of the Oregon Mission appointed to that Station whomsoever he chose, and changed him whenever he pleased, without being obliged to render account to anybody. Neither the head

of the Oregon Mission nor the priest in charge of the Station had any engagement, oral or written, with the company, or any one else in regard to the spiritual attendance of that Station. Whatever attendance was there, it was spontaneous on the part of either. It was optional with them. They could attend or not, whenever they chose; no one had any right to interfere, and in fact no one ever did interfere in any way since the dedication of the Church to the present day. The priests were at home at the Church, and have been always considered so by the Hudson's Bay Company.

The current expenses of the Church, consisting of repairs, church furniture and vestments, altar wine, bread, lights, &c., were at the charge of the Oregon Mission. The priest in charge was also *supported* by the same Mission and *aided* by the Hudson's Bay Company, which *spontaneously* granted him his board and lodging free.

Such being the state of things at the St. James Mission Station at Vancouver, when the act of Congress mentioned above, was passed on the 14th of August, 1848, the Bishop of the diocese of Nisqually, in which that Station is situated, claims for it, under that act, 640 acres of land, holding that all the requisites to constitute a Missionary Station among the Indian tribes, have been fulfilled at that Station.

Three opponents arise against him, viz: the "military authorities," the "citizens of Vancouver," and the "widow and heirs of A. M. Short," and assert that the Mission Station of St. James cannot enjoy the favor granted by the act to all Missionary Stations—1st. Because the priests in charge of the Station were not Missionaries, but Chaplains of the Hudson's Bay Company. 2d. Because the Station is on lands formerly claimed by the Hudson's Bay Company as "possessory rights," which the United States Government was obliged to "protect."

RELATIONS BETWEEN THE HUDSON'S BAY COMPANY AND THE CLERGY OF ITS TERRITORIES.

In order to have a clear understanding of our case and arrive at a proper conclusion, it is very important to know what the relations of the Hudson's Bay Company are with all the Missionsof its territories. This we can gather from the testimony given before the select committee of the British Parliament on the Hudson's Bay Company in 1857, an extract of which is annexed to the evidence in this case.

This testimony establishes:

That all clergymen of those territories, from the Bishops and heads of Missions down to the lower grade of clergy, are indiscriminately called by the company *Missionaries*, *Chaplains*, and *School Masters*, and are all viewed by it as acting in those capacities.

That the company has been always anxious to improve the condition of the Indians, and has always *encouraged* Missions in their behalf in the different parts of the country favorable to settlement;

That its policy has been to have those Missions in the immediate neighborhood of its establishments, and in many instances at its establishments themselves;

That the company has not only encouraged but has *aided* the establishment and keeping of schools by the Missions, at or near its establishments, certain amounts of money being donated annually by it for that purpose;

That these schools are established and maintained by the Missionary Societies, and consequently their property, but *assisted* by the company;

That the company is very anxious to have Indian children educated at these schools whenever it can obtain them from their parents;

That the company allows annually to the various Missions of its territories a certain amount of money;

That for the exercise of these functions, the Missionaries are selected and appointed by the Missionary Societies themselves, and not by the Hudson's Bay Company:

That the sums donated are given to the Missions or in aid of the Missions, and not to the Missionaries themselves;

That £300 is allowed by the Master of the Rolls to be the salary of a full chaplaincy in the Hudson's Bay Company's territories;

That the company has been in the habit of giving a free passage on its ships to all Missionaries going to its territories;

That much valuable aid is rendered by the company to the Missions, in the erection of churches, schools, and other ecclesiastical matters;

That two churches are known to have been built at the company's own cost, and £500 expected to be subscribed to another, in behalf of one Mission alone;

That the Roman Catholic Bishop of Oregon has been promised that he would be allowed £100 a year, by the company, if he remained in that country:

That all sums of money given by the company, in consideration of religious services and schooling, are mere gratuities to the Missions, and impose upon their members no positive or specific obligation;

That the company does not insist upon their exercising any specific functions, it remaining optional with them and their societies whether they will exercise any or not;

That they remain entirely under the control of the Bishop of the territory, or the Society to which they belong;

That the company exercises no control over them;

These relations between the company and the clergy of its territories, should be the rule to guide in our case, wherever the testi-

mony is silent, or establishes no fact evidently and positively contrary to them.

OREGON MISSION.

A few remnants of Lewis and Clark's expedition and some retired servants of the Hudson's Bay Company, commenced in 1829 a settlement in the Willamette valley. In 1834 they numbered some fifteen families, when they wrote to the Bishop of Juliopolis, (Red river settlement.) requesting him to send them Missionary priests to instruct their children and themselves. The Bishop of Juliopolis answered them in 1835, that he hoped he would be able to send them soon the help they required; that he had no priests at Red River whom he could spare, but he was going to Canada and Europe, and expected to procure some for them there; that his intention was not to secure the knowledge of God to them and their children only, but also to the numerous tribes of Indians among whom they were living. He wrote at the same time to Dr. McLaughlin, at Fort Vancouver, to inform him of the request of those families, and of his intention to grant it as soon as he could, and also to afford the Indians the means of knowing God. (Evi. A.)

It was not, however, until 1838, that the Catholic Bishop of Quebec, whose diocese included all the country to the westward of the Rocky Mountains, to which Great Britain laid claim, could dispatch two Catholic Missionary priests to that vast extent of country. These were the Rev. Messrs. F. N. Blanchet and Mr. Demers. They were sent "to that part of the Diocese of Quebec which is situated between the Pacific Ocean and the Rocky Mountains." Their instructions from the Bishop of Quebec, contained in a document dated April 17, 1838, were: (Evi., B.)

1st. To consider as the first object of their Mission, to draw out from barbarity and disorders the Indian nations spread in that country.

2d. To consider, as the second object of their Mission, to attend to the spiritual necessities of the Christians, who, having adopted the morals of the Indians, lived in licentiousness, and in the forgetfulness of their duties.

3d. To preach the Gospel on every opportunity, either in public or in private; to study the Indian languages, so as to be able to publish a grammar of them; to prepare without delay for baptism the Indian women married to white men, so as to be enabled to validate their marriages; to give christian instruction to the children, establishing for that purpose, as much as their means would permit, schools and caetchisms in every tribe they would have an opportunity to visit.

In virtue of the same instructions, their first establishment was to be made on the Cowlitz river, and their means of subsistence

were to come partly from the Association for the Propagation of the Faith, and partly from the contributions of the settlers and natives of the country.

They were also particularly recommended to have all possible regard for the members and employees of the Hudson's Bay Company, with whom it was very important, for the sake of the holy work with which they were charged, that they should be always in good odor.

The nature of these instructions establishes beyond a doubt, as the Surveyor General expresses it, that the Church and Bishop who sent forth these Missionaries were actuated in the main by the idea to convert and labor with the Indian tribes then peopling Oregon.

The two Missionaries arrived at Fort Vancouver of the 24th of November, 1838. The company had granted them a free passage on its canoes, according to its usual practice. But of all the Missionaries who came to Oregon, they are the only two ones who ever came with the company: all the others came either through the South Pass by the emigrant road or around Cape Horn, and at the Mission's expense.

The Hudson's Bay Company was then the *de facto* ruling power in Oregon. It governed the whole country with uncontrolled and arbitrary sway It claimed the right to admit in, or exclude from, the country whosoever it pleased, as caprice or interest might dictate. And it was only after some hesitation and considerable delay that it had consented to grant those priests the permission to establish a Mission on the north side of the Columbia river.

That permission to enter the country and settle at any given place granted by the company, has some similarity with the license to enter and settle in the Indian country for purposes of trade, usually granted by the United States Government.

Immediately on their arrival at Vancouver, the two priests went to work and commenced their Missionary labors in Oregon, seeking the Indians through that immense wilderness, preaching, teaching and baptizing them, and administering to them all the rites of religion wherever they could find them. The few whites of the numerous posts of the company were not deprived of the same services, whenever the Missionaries visited or attended the Indians of their vicinity. (Evi., E, H.)

In the course of a few years, the two Missionaries and the numerous co-laborers who joined them successively, established several stations, among which the Vancouver Station, the Willamette Station, the Cowlitz Station, the Whitby's Island Station, the Rocky Mountains Stations, &c., and were in the habit of traveling frequently through the country and visiting several distant nations. (Evi., E, F, H, K.)

The persons the Missionaries instructed and baptized in all the posts where they lived, or which they used to visit annually, from

1838 until 1849, either at Vancouver, the Willamette, the Cowlitz, Nisqually or the posts of the Upper Columbia, were mostly Indians. Besides the women of all the whites attached to these establishments, who were all Indians. several tribes of Indians were constantly visiting those posts for the purpose of trading. (Evi., E. H.)

In 1842, two new Missionaries arrived. Having been refused a passage on the canoes of the company, they came around Cape Horn, at the expense of the Propagation of the Faith of Quebec. (Evi., C. D.) Others came shortly after, and in 1847, the Oregon Mission was composed of some thirty priests, regulars and seculars.

That body of Missionaries or the Oregon Mission continued under the spirtual jurisdiction of the Bishop of Quebec, the Very Rev. F. N. Blanchet acting as his Vicar General, until the news came in 1844 of the appointment of a Bishop to Oregon. From 1844 until the present time, it is subject to the Archbishop of Oregon City, and the Bishop of Nisqually. (Evi., F.)

The Oregon Mission has been from the first supported by the Society for the Propagation of the Faith of Quebec, by a like Society in France, by large contributions in Europe and Canada, by subscriptions from the servants of the Hudson's Bay Company, by a donation of the Hudson's Bay Company, made yearly since 1842, by the products of its farms at St. Paul's and at the Cowlitz, and by donations from other persons. (Evi., E, F, D.)

From the very moment the first Missionaries left Canada to the present time, neither they nor any other Catholic Clergymen were ever attached to the Hudson's Bay Company in any respect, either as members, clerks, or chaplains. They were never bound to render it any service, either spiritual or temporal; nor did they ever receive anything from it for whatever religious services they voluntarily rendered, except the kind hospitality it was used to give freely to every stranger, and for a few years the £100 donation mentioned above. (Evi., C, D, E, F, H.)

As all Governments do, which have in view the welfare of their people and their own advantage, the Hudson's Bay Company kindly extended protection and aid to the propagation of religion, morality and education in the country at large. It always gave a hearty welcome to all the Missionaries in its various establishments, extended them a kind hospitality, and afforded them facilities for the exercise of their ministry among the large camps of Indians, in the midst of which the company located its establishments; and wherever they went, as long as they chose to remain, they always were the welcome guests of the post. Free passage was usually granted on the boats of the company for the Missionaries themselves, and for the goods purchased for their Missions.

This generosity and kindness of the Hudson's Bay Company in regard to the Oregon Mission is not astonishing, when we know that it is the policy followed in all its territories, and especially when we remark that it was in Oregon much inferior to what it is

elsewhere. The company gives no less than £1,525 yearly in aid of religion in its territories, and of that amount only £100 used to come to Oregon, though in 1847 and 1848, Oregon contained as many Missionaries and very nearly as many converts as the balance of its other territories together. In the Red river settlement, the company aided largely in the erection of several churches, built two churches at its own expense, and undoubtedly subscribed £500 towards the building of another, and all that in behalf of one Missionary Society alone, whilst in Oregon it never built for the Mission but the shell of a church, which did not cost it £100. (Report of Select Committee.)

Whatever the Hudson's Bay Company gave, it was very little indeed compared with the advantages it derived from the Mission. From 1838 to 1848, a period of ten years, the Mission threw over $100,000 into its hands for goods furnished at an average supposed at the time to be hardly less than from 50 to 75 per cent. profit on the first cost; which makes a clear profit of some $31,000 to the company for ten years. All the money that the company ever gave the Mission during that period was £100, or $500 a year from 1842 to 1848; say £600, or $3,000 for the ten years; which leaves the company with $28,000 clear profit, and all the services and benefits received from the Mission, without any compensation.

At the time the priests first arrived in Oregon, the company had 28 trading posts in the country. The Mission constantly attended to the spiritual wants of these people, gave the company, besides, the invaluable chance of educating its children in the immediate neighborhood of its principal establishments, and exercised a most salutary influence over the minds and morals of the Indians and other people of the country, to the great advantage of the company; and all this without a consideration from the company; on the contrary, giving it $28,000 profit over and above.

Pretending to maintain seriously that the £100 annual gratuity was intended by the company and accepted by the Mission as a salary, making the latter the servant of the former, and binding it to the spiritual service of its various establishments exclusively, would be simply ridiculous.

The Hudson's Bay Company had 28 posts, and the ten years salary, as stated above, being $3,000, the annual salary would be only $300, which would give a little above 10 dollars a year for the attendance of each post!!

In 1847 and 1848 the Mission was composed of some 30 priests. Suppose the Mission collectively to have been the servants of the company, each of its members, individually, according to our opponents, should be the same; bound themselves to devote their whole time to the company, and deprived of the right to apply themselves to any thing else that could give them any revenue or entitle them to any favor. Thirty chaplains, upon a collective salary of $300 a year, or ten dollars each!! $10 a year for a chaplain, to pro-

vide for board, lodging, clothing, servant, travelling expenses, &c.!!! Is it not indeed ridiculous?

The Oregon Mission was thus in regard to the Hudson's Bay Company, as to *temporals* as well as to *spirituals*, an *independent*, *uncontroled*, *self-subsisting* society, rendering *spontaneous services*, and receiving hardly any *compensative aid* in return.

VANCOUVER STATION.

The Oregon Mission selected Vancouver as one of its Stations, on the 24th of November, 1838, on the very arrival of the two first Missionaries. From that time until the 14th of August, 1848, and ever since, that Station has been kept up as such and for the carrying out of the ends and purposes of the Oregon Mission. There has been always a priest of the Oregon Mission in charge of and attending to it. Messrs. Blanchet and Demers attended to it alternately during the four first years; then Mr. Blanchet alone until the summer of 1844; then Mr. Demers, until the 19th of September, 1844; then Father Nobili until June, 1845; then Father Devos until May, 1847: then Fathers Joset and Demers until October, 1847, when Father Delevaud was appointed to it, and continued in charge till 1850, when he was succeeded by Father Brouillet, who was in charge until 1860. (Evi., E, F, G, H, K.)

At the time that Station was selected and commenced in 1838, there were a great many Indians at Vancouver and its neighborhood. Some belonged to the place and some came from afar off. Dr. Barclay states, that Indians from different tribes, and from long distances, frequently came to or about the fort. Judge Petrain testifies, that from 1837 to 1842, there were from fifteen hundred to two thousand Indians living at Vancouver. From 1842 to 1849 their number was greatly wasted away, yet they still numbered from 300 to 500. (Evi., E, F, G, H, K.)

These Indians were instructed regularly by the Missionary priests of Vancouver, either in the building used as chapel inside of the fort until 1846, or in the house purchased outside of the fort for the purpose of instructing them, or in the actual chapel, or in their camps. Judge Petrain has seen the priests instructing and preaching to the Indians. He has been several times present at such instructions; in fact, he saw them nearly every Sunday give those instructions, and also often on week days. He was every Sunday and almost every day at the chapel, and he declares that a great many of them were in the habit of going there to Church, and for instruction; that they were in the habit of attending Church services from 1838 to 1849, and up to 1855 and 1856. Dr. Barclay testifies that the priests administered to all the Indians about or who came to Vancouver, and expressed a desire to be instructed.—(Evi., E, F, G, H, K.)

Judge Petrain further testifies that the Indians were instructed in Jargon, in French, and in Klikatat. He often heard the Missionaries preach to the Indians in Jargon; most of the time they preached and instructed them in Jargon; the Indians used to sing in the Church in Jargon; they knew and had learned many canticles in it, and the Missionaries used to teach catechism in Jargon.—(Evi., G.)

The Jargon or Chinook Jargon was the common language of the country, through which all intercouse between the whites and Indians was conducted. This language consequently was the best adapted to the wants of the Indian population of Vancouver, as there were constantly at that post Indian tribes from the whole country around, visiting the establishment for purposes of trade.

In 1839 or 1840, the Rev. Mr. Blanchet bought a house outside of the fort, for the purpose of teaching the Indians, Indian women, and Indian children, and he testifies that the Missionaries continued to use it as a place of instruction for the Indians for several years. (Evi,, F.)

Judge Petrain testifies, that the Missionaries were in the practice of visiting the Indians at their camps at Vancouver; that he went often with them, and saw them instruct the Indians at their lodges in their camps. (Evi., G.) He further testifies, that the Missionaries were used to baptize Indians at Vancouver; that he was himself present several times when they baptized them; that at one time he was a witness to the baptizm of over 40 Indians, performed by Mr. Demers. He has seen Father Devos and Father Delevaud baptize many Indians, and he saw them do it at different times. (Evi., G.)

Archbishop Blanchet testifies that several hundred Indians were baptized at the Vancouver Station, from its beginning up to 1849; that the priests did a great deal of Missionary labors there among the Indians; that they taught them the catechism, prayers, Catholic doctrine; that they baptized and married them, administered to them at the moment of death, and buried them with Christian burial. Many a time did he himself give instruction to the Indians of Vancouver, men, women and children. (Evi., E, F.)

Bishop Demers states that he has himself been laboriously engaged in the same ministry, among the Indians about Vancouver, and that he cannot see how it could be established as a fact, that there never was a Catholic Mission and a Missionary Station at Fort Vancouver, unless the words have no longer their true and natural meaning. (Evi., H.)

That state of things existed on the 14th of August, 1848. Dr. Barclay states, that although he does not recollect the condition of affairs in 1848, what Indians remained at Vancouver were instructed as before. (Evi., K.)

Judge Petrain asserts that from 300 to 500 Indians were still living at Vancouver in 1848; that there was a Missionary Station

among the Indian tribes there on the 14th of August, 1848; that the Station was among the Klikata ttribe of Indians; that Father Delevaud was in charge of it; and that he, the Judge, was married on that very day, 14th of August, 1848, in the chapel of the Station; that Father Delevaud was present, and Indians were present. (Evi., G.)

Archbishop Blanchet states that there was a Missionary Station among the Indian tribes at Vancouver on the 14th of August, 1848; that Father Delevaud was the head of that Station; that he himself had appointed him to the Station, in October, 1847, after his return from Europe; and that the Station was the same which he had founded in 1838. (Evi., E, F.)

The Station had its religious services in August, 1848, and during the two previous years in a chapel or church building, situated a few hundred yards outside of the enclosures of the Hudson's Bay Company. That chapel was built upon a piece of ground which had been ceded to the Station by the Chief Factor of the said company, before 1844, and both the building and the ground were a gift to the Station from the company or its Chief Factor, and were secured to it as much as security can be obtained in a country and under a state of things where titles cannot be given.

Archbishop Blanchet says that, before 1844, he had obtained a piece of ground which was intended for the building of a church for this Station, his intention being to have a more established place. The land was shown to him by James Douglas, Governor of Fort Vancouver. Before he left for Europe, he recommended Rev. Mr. Demers to build a church on that land. In August, 1848, the chapel of the Station stood on the same land. (Evi., E, F.)

Judge Petrain says that Dr. M'Laughlin and Mr. Douglas selected the site for the church. He was present when they did it. John Finlay and Mr. Blanchet were present also. (Evi., G.)

The chapel was commenced about the year 1844, and finished in 1846. It was built by the Hudson's Bay Company, and by it delivered up to the use of the public Catholic worship, in accordance with its usual practice in all its territories. (Select Committee.) On the 31st of May, 1846, with the knowledge and the full and public consent of the Chief Factor of the Hudson's Bay Company, in his presence, and in the presence of nearly all the officers and employees of said company, it was solemnly blessed, dedicated, in accordance with the rites of the Catholic Church, and consecrated to the worship of God and the service of the Church, under the name and patronage of Saint James. The signature of Chief Factor Douglass as a witness to the act of dedication is verified by Dr. Barclay and Judge Petrain. There is nothing to be found in the books of the Hudson's Bay Company that would show the building is still its property.

Judge Petrain says that the Church building was erected by the company for the Missionaries; he understood it was a gift to them;

he understood so from the agent of the company. (Evi., G.) Dr. Barclay and Daniel Harvey state positively that the Church building was never used for any other purposes than religious services. (Evi., K.) Archbishop Blanchet states, that from the time the Church was built, the Hudson's Bay Company has never made to him any pretension or claim of right, or ownership, to the same. (Evi., F.) And it is a fact that no such pretension or claim has ever been made to any Bishop, or to any of the Missionaries in charge of the Station, up to this very day, though repairs and changes have been made to the building, at several periods, without consultation with the company. Thus a quiet, peaceable, and full possession of over 16 years, (from 1846 to 1863,) shows conclusively that the intention of the Hudson's Bay Company, when it delivered the church to the Station, was to make it forever the property of religion for the use of the Station.

Suppose the Station of Saint James at Vancouver did not confine its labors to the Indians exclusively; it may have also extended its care and attention to the few whites who were attached to the service of the Hudson's Bay Company. And this is attempted to be made a point against us. The services of the church were for both Indians and whites; the instructions given in the church were also for both Indians and whites; in a word, the church was for the spiritual benefit of the whole population of the place. No distinction of races was admitted in it, nor any distinction of classes, no distinction between the rich and the poor, the powerful and the weak, the governors and the governed, the masters and the servants; all were equal in the Church of God, and all were equally attended to. All attended mass there. Prayers were said in common for all there. The sacraments were there administered to all indiscriminately. The country was yet too wild and too destitute of resources to allow more than one Church for that place. But the Station was in an Indian country, among the Indian tribes, the Indians being far superior to the whites in number, established from the beginning for the Indians, and supported by the alms of benevolent societies, whose ends and purposes are the christianization and civilization of the Indians. The Station, therefore, was for the benefit of the Indians, and the whites came in as an *incident*.

Besides, apart from the regular Sunday services, each race had its special care and instruction. Indians had their schools or places of special teaching for themselves outside of the post and in their camps; whites had their own school or place of teaching within the enclosures, when at their leisure hours, and particularly in the evenings, they used to receive from the Missionary of the Station instruction peculiar to their want and position in life. According to Dr. Barclay, none but the company's servants were admitted inside of the fort for the purpose of sharing in the benefit of that teaching. (Evi., K.)

The Station was an establishment distinct from the company's

establishment, independent and uncontrolled by it. It belonged to the Oregon Mission and was managed by it as it chose, without any control from the company or any account to give it. The head of the Mission or the Bishop appointed to that Station whomsoever he pleased, changed him whenever he pleased, deprived the Station of a priest, if he chose; the company had nothing to say.

Archbishop Blanchet says that no Catholic Missionary priest ever had any contract or agreement with the company to act as chaplain at Vancouver; that neither he nor any Catholic Missionary priest ever was chaplain to the Hudson's Bay Company at Vancouver or elsewhere in Oregon; that he never knew or heard of any Catholic priest being chaplain of the company at Vancouver from 1838 to 1850, or any time between those dates, though from 1838 to 1850, he was at the head of the Catholic Missionaries and priests in Oregon; that from the very moment he and Mr. Demers left Canada, to the present time, they never were attached to the company in any respect, either as members, clerks, or chaplains; that they never were bound to render them any service, either spiritual or temporal. (Evi., F.)

Bishop Demers says that they never were in any way in the company's service, and that the company never pretended to exercise any control over them, (Evi., H,) which is in perfect comformity with the general condition of the clergy in the Hudson's Bay Company's territories. (Select Committee.)

It was, besides, in regard to the company a self-supporting establishment. It never received at the hands of the company anything but the Church, the building of which did not cost the company over £100. All the current expenses of the Church, such as repairs, Church furniture, vestments, altar wine, bread, lights, &c., were at the charge of the Oregon Mission. The priest in charge of the Station was supported by the Oregon Mission: his clothing, traveling expenses, money, &c., in a word his salary came from the Oregon Mission. (Evi., F, L.) Through a motive of economy and convenience, he availed himself of the spontaneous offer of the company, and took his board and lodging at its establishment. But that board and lodging, the result of no contract or agreement, could hardly be regarded as a fair compensation for the *incidental* services he rendered the people of the establishment. Besides, it was viewed by the company as rather an advantage and a convenience for its people; the Missionary being there all the time that he was not engaged at the Church and with the Indians, they could call on him and receive instruction whenever they pleased.

The £100 annual gratuity spoken of in the testimony, has never been intended or used for the Vancouver Station, as we have shown above; it was for the use of the Oregon Mission, or, as Sir George Simpson testifies before the Select Committee, for the Bishop of Oregon, and not for the Station of Vancouver, nor any other Station in particular.

This should set at rest the question of chaplaincy. According to the testimony, there never were at Vancouver engaged Catholic chaplains of the Hudson's Bay Company obliged by contract to serve it, and having as such a right to salary. Otherwise no less than £300 should have been the salary of each priest stationed at Vancouver, this being the amount allowed by the Master of the Rolls, as appropriate for full chaplaincies, in the Hudson's Bay Company's territories. (Select Committee.)

The priests rendered spiritual services to the company gratuitously; whenever the company chose to give them anything, it was also a gratuity. It does not matter whether they were called chaplains by the company and Missionaries by their societies. The fact is, they were not *hired;* they were not bound to service, and entitled to salary. (Evi., E, F, H.)

It should be borne in mind, that the land yielded to the Mission before 1844, by the Hudson's Bay Company or its Chief Factor, could not be subject to the clause of the treaty of 1846, which protects the "possessory rights" of the same company. That land was given away by it before the treaty, therefore was not any more in its possession at the time of the treaty, and consequently could not be affected by it. The Church having been dedicated on the 31st of May, 1846, and the treaty signed on the 15th of June following, the Missionary Station was in quiet and undisputed possession of that land then, and the owner of it as really and as fully as the state of the country could allow; and it was in the same quiet and undisputed possession of it on the 14th of August, 1848, and therefore must be entitled to the full benefit of the law granting land to Missions.

It should be borne in mind, also, that it has not been attempted to prove that the company occupied in August, 1848, any more land than what is enclosed within its pickets, and that therefore its "possessory rights" should not be brought to interfere with any portion of the Mission claim which is not within the said premises or pickets. The question as to what effect those rights must have upon the said claim, should thus apply only to the small spot covered by the enclosed premises.

J. B. A. BROUILLET, *V. G.*

WASHINGTON, *February* 2, 1863.